participate in the discussion *.....(Interruptions)*

THE DEPUTY CHAIRMAN: I want order..... *(interruptions)* on the disorder, } want some order....*(interruptions)*

SHRIMATI KAMLA SINHA: Madam, that was only a submission. But whatever the House decides and whatever is your ruling, we will abide by it.

THE DEPUTY CHAIRMAN: What Kamla Sinhaji is saying is that a long, extensive discussion had taken place on this. However, Mr. Jibon Roy may still be having some ammunition left in his gun to fire. But I think that he also spoke on this Bill, if I remember correctly. Now the thing is that because the lok Sabha was dissolved, the Bill has come back to us for which Agarwalji is not to be blamed That is why he is moving his disapproval. I can give a solution.

अग्रवाल जी ने डिस-अप्रूवल किया है। आप डिस-अप्रूवल पर बोल दीजिए। सरकार इस पर बोल चुकी है। इसलिए इस पर कम डिसकशन करके इसको पास कर दीजिए। समय बहुत कम है।

SHRI V. NARAYANASAMY: That is a good solution.

THE DEPUTY CHAIRMAN: But the only bad solution is that the Minister is not there to answer the motion of disapproval. If Mr. Khalap answers, I will be very happy....*(Interruptions)*

SHRI V, NARAYANASAMY: Mrs. Kamla Sinha, being in the ruling party, can say that we can pass it without discussion. But we, being on the other side, have a right to say that we want to discuss it,

THE DEPUTY CHAIRMAN: All right. You discuss it. On the question of discussion of the Industrial Disputes (Amendment) Bill, the Rajya Sabha has no dispute.

SHRI BRAHMAKUMAR BHATT (Gujarat): I only want to supplement what Mr. Agarwal has said. He has made a very right statement. The Rajya Sabha might have discussed this Bill earlier. But as new Members have come, the House, by a majority also, cannot deprive them of their right. So, we have a right to discuss it, whether we agree with it or not.

THE DEPUTY CHAIRMAN: Okay. Mr. Agarwal, you may move your disapproval.

I STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE INDUSTRIAL DISPUTES (AMENDMENT) ORDLNANCE, 1995

II THE INDUSTRIAL DISPUTES (AMENDMENT) BILL, 1995

SHRI SATISH AGARWAL (Rajasthan): Madam Deputy Chairperson, I move:

> "That this House disapproves of the Industrial Disputes (Amendment) Third Ordinance, 1996 (No. 23 of 1996) promulgated by the President on the 20th June, 1996."

Madam, the first Ordinance was promulgated probably on 11.10.1995, nearly 10 months back. Then, a Bill was introduced in this House on 28.11.1995, which was passed on 5.12.1995 here. After 5.12.1995, when this Bill could not be passed by the Lok Sabha or when the then Government could not get it passed there, another Ordinance was issued on 15th June, 1996. So, under certain circumstances, when the Bill could not be got passed in the Lok Sabha, they issued on Ordinance on 15th June, 1996. That particular Ordinance had also lapsed. Then, you had brought forth another Ordinance on 20th June, 1996. I fail to understand as to what were the compulsions for the Government not to get the earlier Ordinance converted into an Act in the lok Sabha. We bad a brief Budget session. The earlier Ordinance could have been passed within an hour or two. But it was not done because the Government was not serious about it.

That is why the necessity came for bringing forth another Ordinance on 20th June, 1996. Whatever it is, the previous Government was at fault, according to me, in not getting this Bill passed by Lok Sabha. This amply manifests and reflects the mental attitude of the Government in power to resoit to issuance of ordinances every now and then. You take things so casually. I mean to say that ordinances arc issued only under extraordinary circumstances. This power is vested in the President to deal with extraordinary circumstances. But you are resorting to issuance of ordinances in a very casual way. You feel that, "All right. If a Bill is not passed by Parliament, this House or that House, we will issue an Ordinance." In this case, three Ordinances were promulgated, repromulgatcd. This is a gross misuse by the Government of the power vested in the President.

Governance through Ordinances is neither appropriate nor desirable. And this Government must give us an assurance that they, unlike the previous Government, would not resort to issuance of ordinances.

[The Vice-Chairman (Shri Triloki Nalh Chaturvedi) in the Chair] According to market circles, JD Government means "July-to-Dccember Government".

Very important provisions arc made in this Bill. I would only seek one clarification from the hon. Minister. In the absence of a proper definition of who the appropriate authority is in relation to industrial disputes with regard to air transport services, ONGC, Industrial Finance Corporation of India, many disputes were pending reference. It was in doubt as to who the appropriate authority was. So, I would like to know the number of such disputes pending reference on account of this lacuna, the number of workers who arc suffering on account of this. The number of disputes involving the workers of such vast organisations as ONGC, IFCI, air transport services, private, domestic and international services, must be running into thousands and lakhs. These disputes are pending since a long time. For how long will you keep such disputes pending? Why could they not be referred to earlier? Why did you not legislate on this earlier? Why did you not get this Bill passed in the other House? You can say that this is all the doing of the previous Government. Today you have inherited all its legacy. You are dependent on their support. There does not seem to be anything different from the previous Government. So far as the political scenario is concerned, the Government comprises almost all parties. Even the Congress supports it. So, please tell us the number of cases which are pending on account of this lacuna; the number of cases which could not be adjudicated by the courts or tribunals or labour courts on account this lacuna; the number of cases which you are going to refer; the feedback that you got as to how these cases were pending adjudication, etc. If you satisfy me on these points, I will withdraw my Resolution.

THE MINISTER OF STATE OF THE DEPARTMENT OF LEGAL AFFAIRS, LEGISLATIVE DEPARTMENT AND DEPARTMENT OF JUSTICE (SHRI RAMAKANT D. KHALAP): Mr Vice-Chairman, Sir, the Central Government was the appropriate Government under the Industrial Disputes Act in relation to any industrial dispute concerning the Indian Airlines and Air India Corporations, the Industrial Finance Corporation of India, the Oil and Natural Gas Coom-mission and the International Airports Authority of India. Consequent upon conversion of the status and constitution of the Indian Airlines and Air India Corporations, the IFCI and the ONGC from statutory corporations into public limited companies under the Companies Act, as also with the merger of the International Airports Authority of India and the National Airports Authority of India into one single entity named the Airports Authority of India, the Central

Government had ceased to be the appropriate Government concerning the aforesaid establishments for purposes of the Industrial Disputes Act.

Section 2 (a) of the Industrial Disputes Act, 1947 defines "appropriate Government" under the Act. This Section, inter alia, provides that Central Government would be the appropriate Government in relation to the industrial establishments included in Section 2(a)(i). In respect of the other industrial establishments, the concerned State Government shall be the appropriate Government. Thus, if there is any change in the name and status of the irldustrial establishment included in Section 2(a)(i) of the Act, then Central Government ceases to be the appropriate Government for them. This has happened in respect of the Indian Airlines, the Air India, ONGC and IFCI.

The establishents and activities related to air transport services, the Airports Authority of India, the Oil and Natural Gas Corporation of India and the Industrial Finance Corporation of India have country-wide spread and ramifications. For instance, if a "workers' union of Air India/Indian Airlines serves a strike notice for an industry-wide strike, the industrial relations machinery of the concerned State, where the Head Office of the Airline is situated, would have to intervene for conciliation and adjudication of the dispute. The jurisdiction of the State Government Industrial Relation authorities is, however, confined to the concerned State only whereas the strike would have all India repercussions. In such a situation, therefore, the State intervention would be quite inadequate. It was, therefore, considered expedient and desirable that Central Government continues to be the appropriate Government in the handling of industrial disputes concerning such establishments and activities of economic and strategic importance.

This necessitated amendment of Sec tion 2(a) of the Industrial Disputes Act, 1947 to stipulate the Central Government as the appropriate Government in respect of an air transport service, the Airports Authority of India, the ONGC and the IFCI. Since Parliament was not in session, the amendment was given effect through promulgation of the Industrial Disputes (Amendment) Ordinance 1995 by the President on 11.10.1995. Since the Bill to replace the Ordinance could not be passed in both the Houses of the Parliament within the stipulated period and with a view to give effect to the earlier amendment since the circumstances necessitating the First Ordinance had not changed, the Ordinance was fepro-mulgated by the President on 5-1-96, 27-3-96 and 20-6-%.

The Bill which I am submitting to the House for consideration to replace the Ordinance does not propose any substantive amendment to the Industrial Disputes Act, 1947. It basically intends to restore the jurisdiction of the Central Government over certain establishments in the matter of investigation and settlement of industrial disputes which was lost when statutory corporations such as the Indian Airlines, Air India, IFCI, ONGC, were converted to public limited companies. The inclusion of air transport services within the jurisdiction of the Central Government has been proposed with a view to ensuring uniformity in the handling of industrial disputes concerning all air transport services operating as private or public limited companies.

Sir, the reasons for issuing the Ordinance have been explained. I would definitely agree with the observation of the hon. Member that we should not resort to Ordinances as a rule but that an Ordinance should be an exception.

With this, I hope that the Bill will be taken into consideration.

The Questions were proposed.

SHRI SATISH AGARWAL: Mr. Vice-Chaiiman, I made one query. This particular Ordinance has come into force

with effect from the 11th of October, 1995. You see the Ordinance. It says, "This Ordinance shall be deemed to have come into force on the 11th day of October, 1995". Practically ten months have passed. I want to know as to how many cases were pending, and after the issuance of this Ordinance how many cases have you referred for adjudication.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): As was explained by the hon. Deputy Chairman, this information can be had from the Minister when he comes here.

SHRI SATISH AGARWAL: But he has got a ready-made statement to answer. This is a very relevant question that arises out of this. All right. You collect this information and pass it on to me tomorrow when the Bill is finalised.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Yes, subsequently this information can given.

Now, the Statutory Resolution and the Motion have been moved and are open for discussion.

SHRI RAMAKANT D. KHALAP: Sir, I can say one thing that whatever disputes that were pending, have been referred to adjudication after the promulgation of the Ordinance.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): But he wants the numbers. You can give it tomorrow.

SHRI RAMAKANT D. KHALAP: Yes, Sir.

SHRI SATISH AGARWAL: Mr. Vice-Chairman, I am asking for this information because this Ordinance is retrospective in operation. It is effective from the 11th of October, 1995. This is a very valid question that I am asking. How many cases were pending adjudication? In how many cases you have given the sanction now? After the promulgation of this Ordinance you must have given sanctions because you are the appropriate Government now. So, the Central Government must be in the know of these things as to in how many cases—hundred, thousand or more than that—you have given sanction.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): I agree. The point is that the Minister has already mentioned that the information will be supplied to you tomorrow as it is not readily available.

SHRI SATISH AGARWAL: Okay Sir.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): The Statutory Resolution and the Motion for the consideration' of the Bill are now open for discussion. Hon. Members desiring to speak may do so. May I call upon Shri Bangaru Laxman to initiate the discussion?

श्री बंगारू लक्ष्मण (गुजरात): उपसभाध्यक्ष जी, यह मेरा पहला अवसर है कि मैं इस हाउस में बोल रहा हूं। मैं आपका धन्यवाद करना चाहता हूं कि आपने मुझे अवसर दिया। वैसे जैसे इस हाउस में पहले कहा गया है कि इस हाउस ने इस बिल को पहले एक बार डिसकस किया है और मुझे जानकारी नहीं कि किन-किन मुद्दों पर यहां पर बात हो गई है। लेकिन यह जो सरकार ने अमेंडमेंट बिल यहां पर लाया है मुझे लगता है कि सरकार इंडस्ट्रियल डिस्प्यूट्स को टुकड़ों में देखना चाहती है और जब भी कोई इस प्रकार की समस्या उत्पन्न होती है तो उसके निदान के लिए वह अमेंडमेंट लाने की कोशिश कर रही है। जबकि कई वर्षों से सारे देश के अंदर यह डिमांड रही है कि इंडस्ट्रियल डिस्प्यूट्स एक्ट को एक कंप्रीहैंसिव तरीके से उसमें परिवर्तन लाने की आवश्यकता है या अमेंडमेंट लाने की आवश्यकता है। उसमें बहुत सी ऐसी बातें हैं जिन पर विचार करने की आवश्यकता है। हमें लगता था कि जब नई सरकार आई है तो वह निश्चित रूप से इस बिल की ओर, इस विषय की ओर नई दिशा से देखेगी, नए सिरे से सोचेगी और इसमें जो पिछले कई वर्षों से वर्कर्स की तरफ से, आम लोगों की तरफ से भी जो बातें कही जा रही थीं, उन पर ध्यान दिया जाएगा। केवल एक छोटा सा अमेंडमेंट, जो आर्डिनैंस जारी हुआ उसी को इस सदन में लाने की बजाय यह अच्छा होता कि अगर हम एक कंप्रीहैंसिव बिल ही इस पर ले आते। शायद सब को

मालूम होगा, मुझे भी ध्यान में है कि 1977 में जब जनता पार्टी की सरकार बनी थी उस समय यह मांग उठी थी और उसके लिए एक पार्लियामेंटरी कमेटी भी बनी थी जिस पार्लियामेंटरी कमेटी ने बहुत मेहनत की और इस इंडस्ट्रियल बिल के अंदर जो कुछ परिवर्तन करना है उस बारे में एक मसौदा भी तैयार हुआ था। लेकिन सरकार के गिर जाने के बाद वह मसौदा फिर से दोबारा प्रकाश में नहीं आया और इस कारण से तब से ले करके आज तक यही होता जा रहा है कि जब भी कोई इस प्रकार की समस्या उत्पन्न होती है उस पर विचार किया जा रहा है। मुझे लगता है कि अब समय आ गया है कि दोबारा एक बार हम सारे इस प्रकार के जितने भी जो कर्मचारियों से, वर्कर्स से, वर्किंग क्लास से संबंधित है, ट्रेड यूनियन से संबंधित है, इंडस्ट्रियल डिस्प्यूट्स से संबंधित है उन सब पर एक बार दोबारा विचार करने की आवश्यकता है। जहां तक वर्किंग क्लास ट्रेड यूनियंस के संबंध में है बहुत से कानून तो कुछ देश आजाद होने से पहले बने थे, कुछ जब देश आजाद हुआ उस समय बने थे, उसके बाद कुछ और बने। जिस समय देश गुलामी में था उस समय जो कुछ बना था उन दिनों इंडस्ट्रियलिस्ट और उस इंडस्ट्री में काम करने वाले कर्मचारियों के संबंध बिल्कुल अलग से थे। उस समय यह माना जाता था कि अंग्रेज़ यहां पर सत्ता में हैं तो उनके अंतर्गत या उनके अधीन जितने भी लोग काम करते हैं, वे केवल सर्वेंट्स माने जाते थे, नौकर केवल माने जाते थे और नौकर और मालिक इसी बात को ध्यान में रख करके उन दिनों कानून बने। इंडस्ट्रियल डिस्प्यूट एक्ट जब 1947 में आया, उस समय भी शायद यह कल्पना नहीं थी कि आगे चलकर एक ऐसा दौर भी आने वाला है जब मजदूरों का बहुत बड़ा हिस्सा सरकार द्वारा चलाए जाने वाले सार्वजनिक क्षेत्रों के अंदर आएगा। सार्वजनिक क्षेत्र जो है, उसमें मालिक कोई नहीं होता। वहां जनता का पैसा लगता है, जिसके अंदर मजदूरों का भी हिस्सा होता है। तो जो मौलिक बात उनमें डालनी चाहिए थी, मजदूरों में निर्पाण करनी चाहिए थी, सारे समाज में और सारे राष्ट्र में निर्माण करनी थी कि यह हमारे उद्योग हैं, हमारी इंडस्ट्रीज हैं और इसको चलाए जाने के लिए इस प्रकार का सहयोग हमें उनसे अपेक्षित है। इस बात को ध्यान में रखकर सारे कानून बदलने चाहिए थे, लेकिन उस प्रकार से प्रयास नहीं हुए हैं।

उपाध्यक्ष महोदय, 1947 से पहले हमारा जो सोचने का ढंग था, उसी प्रकार से सोचकर कानून बनते गए। अब यह जो इंडस्ट्रियल डिस्प्यूट एक्ट 1947 वाला है, इसमें भी अगर आप देखेंगे तो पाएंगे कि कई ऐसे डिस्प्यूट हैं, जिसमें किसी भी नतीजे पर पहंचना उसमें मुश्किल लगता है। जहां इंडस्ट्रियल डिस्प्यूट कनसीलिएशन के लिए जाता है, देखा जाता है कि जो कन्सीलिएशन आफीसर होता है उसके पास कोई अधिकार नहीं होते हैं। वह किसी भी पार्टी को बाध्य नहीं कर सकता है कि तुम्हें इस बात को मानना चाहिए या यह वास्तविकता है या इस प्रकार से इस मामले को सुलझाना चाहिए। आज यह जो कन्सीलिएशन आफीसर का प्रावधान है उसके अंदर, उस प्रावधान के अंदर देखा गया है कि यह इनएफेक्टिव है। उसमें कोई मामला किसी एक रास्ते पर निकल कर नहीं आ रहा है, किसी सोल्यूशन पर पहुंच नहीं रहा है। इस प्रकार की स्थिति है। क्या सरकार कम से कम आगे चलकर के इस बात को ध्यान में रखकर ऐसी बातों को ठीक करने की दृष्टि से कोई कारगर कदम उठाएगी, कोई इसमें परिवर्तन लाने की कोशिश करेगी? यह भी आज एक विचार करने लायक बात है।

महोदय, इसी प्रकार से कई बातें हैं। वर्कर्स और मैनेजमेंट के बीच जो सेटलमेंट होते हैं, उसको भी सरकार की तरफ से जितनी मान्यताएं या जिस प्रकार से सरकार की तरफ से उसको गौरव दिया जाना चाहिए या उसको माना जाना चाहिए, वह किया नहीं जा रहा। इसी सदन में पिछले हफ्ते एक विषय उठा था पोर्ट और डॉक वर्कर्स फेडरेशन का, कि जो पोर्ट एंड डॉक मैनेजमेंट के साथ 12(3) सेटलमेंट किया था इंडस्ट्रियल डिस्प्यूट एक्ट के तहत, उस 12(3) सेटलमेंट में अभी तक सरकार पिछले तीन साल से कोई एक्शन नहीं ले रही, उसको एप्रूव नहीं किया जा रहा। अगर 12(3) सेटलमेंट को सरकार मान्यता नहीं देती है, सरकार उसको एप्रूवल नहीं देती है तो इस कानून का किस प्रकार से उपयोग किया जा रहा है? किस प्रकार से इसका लाभ वर्कर्स को मिलेगा? आखिर इस कानून से जो मजदूरों को लाभ मिलना चाहिए, वह किस प्रकार से मिलेगा? यह बात मानी गई है कि सरकार को मोडल एम्पलायर के नाते से काम करना चाहिए। इसी बात को ध्यान में रखकर उम्मीदें बनाई गई थीं, लेकिन देखा यह जा रहा है कि सरकार यहां पर, इस एक्ट के तहत जितने भी बाइलेटरल या ट्रायपर्टाइट एग्रीमेंट होते हैं उस पर जितना ध्यान सरकार को देना चाहिए, नहीं दे रही है। उनको एप्रूव करना चाहिए, सरकार नहीं कर रही है। इस प्रकार की स्थिति है।

महोदय, यद्यपि आज जो अमेण्डमेंट लाया गया है, उस अमेंडमेंट का मैं विरोध तो नहीं करता हूं क्योंकि यह वर्कर्स के जो डिस्प्यूट हैं उनको ध्यान में रखकर, वर्कर्स की डिमांड को ध्यान में रखकर यह अमेंडमेंट लाया गया है, किन्तु आवश्यकता इस बात की है कि एक तरह से दुबारा नए सिरे से सारे इंडस्ट्रियल डिस्प्यूट को देखने की

आवश्यकता है क्योंकि जैसा मैंने कहा, कि ट्रायपर्टाइट एग्रीमेंट जो होते हैं उसकी भी कद्र नहीं होती है, जहां सेक्शन 18 के अंदर एग्रीमेंट होते हैं उस पर भी कोई ध्यान नहीं दिया जाता है और उसी प्रकार से जहां पर आफीसर नियुक्त किए गए हैं, उनकी भी बात न तो मैनेजमेंट को मनवाई जा सकती है और न मजदूरों को समझाया जा सकता है। इस प्रकार की स्थिति है। चूंकि सरकार ने अपनी नई आर्थिक नीति बनाई है, जिस पर चलने का दावा आज की साझा सरकार ने भी किया है कि हम उसी रास्ते पर चलेंगे.... और फिर इस नई आर्थिक नीति के परिणामस्वरूप एक नई औद्योगिक नीति भी आई है, नई इंडस्ट्रियल पॉलिसी भी आई है। इन सब बदली हुई परिस्थितियों को ध्यान में रखकर क्या सरकार फिर दोबारा से इंडस्ट्रियल डिस्प्यूट एक्ट पर विचार करेगी और एक नया मसौदा इस संसद के सामने लाएगी जिसमें एक तरफ वह मजदूरों के हितों को भी ध्यान में रखेगी वहीं दूसरी तरफ एक इंडस्ट्रियल पीस, औद्योगिक शांति इस देश के अंदर बनाए रखने में भी वह सहायक होगी? इस प्रकार की स्थिति बनाना आवश्यक है।

इसीलिए, उपसभाध्यक्ष महोदय, मैं सरकार से यह चाहूंगा कि वह इस इंडस्ट्रियल डिस्प्यूट एक्ट को दोबारा देखे। आवश्यकता पड़े तो सांसदों की एक-आध कोई इस प्रकार की कमेटी भी बन सकती है, जिस कमेटी को इन सारे मसलों के अंदर पूरी तरह से जाना चाहिए पर बदली हुई परिस्थिति को ध्यान में रखकर के एक नया कानून इस देश के अंदर बने। इतनी सी बात आपके सम्मुख रखते हुए मैं अपनी बात समाप्त करता हूं। धन्यवाद।

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Shri Moolchand Meena. He is not here. Shri V. Narayanasamy.

SHRI V. NARAYANASAMY (Pondicherry): Mr. Chairman, thank you for giving me this opportunity to speak on this small but very important amendment for the purpose of settling industrial disputes arising in various Central Government Organisations like the Airports Authority of India, ONGC, Industrial Finance Corporation and also some of the private aircraft organisations which are coming into being after the policy announced by the Government of privatisation of airlines to a certain extent. We find that some of the Central Government organisations like Air India, Indian Airlines, Industrial Finance Corporation and ONGC are situated in various States. The employees who are working there are bogged in disputes which are covered under the Industrial Disputes Act. The State administration is not considering them under the Industrial Disputes Act because they say that it is not concerned with the State Governments. So, there is a lot of piling of cases and the labourers could not get relief. Sir, for that matter, I know in the NTC mills which are there in various States whether it is Gujarat or Maharashtra or Tamil Nadu, there if any industrial dispute arises, the Labour Minister of the State could not do anything because the representatives of the National Textiles Corporation who go there have no contact with the State administration. So, they are unable to come to any kind of solution for the purpose of helping the employees. So, Sir, in order to set right this particular affairs this Bill hac been brought forward. Though it is a very innocuous Bill, the purpose behind it is very important. Sir, while mentioning this, I would like to come to some of the disputes that are pending, as far as the Indian Airlines and Air India are concerned. Sir, the autocratic way in which the Air India and Indian Airlines organisations, their management are treating their employees not at the level of the officers but at the level of technicians and ground staff, is totally a matter of shame for independent India because even for a small dispute, even for a small mistake, the employee is dismissed from service. He has no solution. He has to approach the conciliation officer and thereafter the labour court. There are many such cases of victimisation that are taking place in this field. Sir, I went to Bombay to meet some of the Scheduled Castes and the Scheduled Tribes Employees' Organisations of Air India. Sir, they got permission from the management to unveil the portrait of Dr. Ambedkar on his birthday. The employees participated in this function. The next . day the person who organised the func-

tion was transferred from there by the management because he had organised that function.

The next day the chief organiser of that function was transferred by the management because he had organised that function. Sir, there they wanted to treat the employees as if the employees were their monopoly; as their slaves. That is going on in Air India and also in Indian Airlines. They transfer the employees according to their whims and fancies. They transfer them from technical cadre to non-technical posts. Wherever a vacancy arises they want to fill up the vacancy without going into the employment regulations. They are not looking into the rules and regulations. Sir, today we have seen that in spite of strenuous efforts made by the employees, both Air India and Indian Airlines are in the red. Who is responsible for this? The chief executive and the management are responsible for the plight of the poor employees. The employees are working very hard. But wrong decisions are taken by the management. Sir, I got a lot of complaints from the employees themselves as far as Indian Airlines is concerned with a view to suiting the convenience of the private airlines. The Indian Airlines is so fixing the schedule that they want the private airlines to get some advantage out of it. In some sectors they have withdrawn their flights. In some sectors, they are flying the aircraft late. This is the kind of mismanagement we find. Inefficient running of the organisation makes the organisation lose a lot of profit which they been making.

About 4-5 years back, the Indian Airlines were getting very good profit. Sir, in fact, in this House we raised several issues. The flight fare between Delhi and Dubai is more than the flight fare between Delhi and London. They have been collecting a lot of money from the passengers. Now they have restored some of the amenities because the private airlines are competing with them. Otherwise the passengers were ignored by the Indian Airlines in those days. Sir, this is one area where the hon. Minister for Law is now officiating as a Labour Minister for the time being. I would like to tell him that the Labour Minister should call periodical meetings of the employees' organisations wherever he goes, whether he goes to Bombay, whether he goes to Calcutta or Madras and he should discuss about management with them and try to get the problems of the employees solved. The Minister should not feel that only when there is a complaint that he should act. Sir, a lot of cases are not being taken up at the level of the conciliation officer or the Industrial Disputes Tribunal. At a lower level, victimisation is taking place and the employees are not been taken care of because of the autocratic attitude of the management. Therefore, I want the hon. Minister to consider this area. In Bombay, when a complaint was lodged by the organisation against the removal of a particular officer when he had organised a function of Dr. Am-bedkar on 14 April, he was transferred. Then a representation was given by the organisation but no action was taken. In an organisation with thousands of employees, they should set an example for other private organisation by following the rules and regulations, by following welfare measures for the employees. When they themselves are flouting, how can you expect the private management to take care of it? Therefore, Sir, I would like to know from the hon. Minister as to how many cases are pending in various States. It may be difficult for him to say just now; he can write to me. How many cases of victimisation of employees have taken place in various States by Air India and Indian Airlines? Are they operating and how many cases have been disposed of? In many cases the employees' problems have not been solved. That is a very important matter. Apart from that, unwieldy powers have been given to the authorities, the CMDs. Whenever the technical staff organisation, or the organ-

isation in which some of the lower grade officers are working do not cooperate with them at some time or the other, they try to take revenge on the employees. Therefore, the Labour Ministry is very important in this respect and it should take care of the welfare of the employees. I do not want that the Minister should go out of the way to protect the employees' interest. I want the genuine interest of the employees to be safeguarded. The pilots are flying more than 12 hours, 13 hours and airhostesses are flying more than 8 hours, 9 hours. Apart from that the technical staff are working round the clock. This is against labour laws. It is violating labour regulations. Why is it being allowed? When the employees go and complain, their grievances are not taken care of. This is going on in this organisation. I want to ask the hon. Minister why in spite of all the efforts made by the employees, they are running into losses. Employees, welfare becomes paramount for the Labour Minister, and I want the hon. Labour Minister to take care of them.

Sir, coming to ONGC which is employees, more than 3 to 4 thousand employees are being employed there, the Government of India is funding this organisation, enormous amounts, crores of rupees, are being spent for the purpose of oli exploration and gas exploration in this country. According to the statistics up to 1994, more than 25,000 crores have been spent for exploration work alone in the ONGC. And this organisation, according to the statistics, is employing more than 10,000 employees. I may be right or wrong in regard to statistics. The employees in the ONGC are getting good perks, the facilities provided to the employees are good. It is totally risk-eriented. They do off-shore drilling and on-shore drilling. The employees' interest is taken care of. There also victimisation is taking place. We went to Bombay High and had an opportunity to meet some of the employees. They are very happy, their grievances are less. The employees ' are also getting very good salaries But in some other areas, Assam Oil Fields, in the Kavcri Basin, in the Godavari Basin, in all these places, we found that the risk factor is more. The employees were not provided with sufficient equipments to take care of themselves. Even at Bombay High they have to remain there for 15 days at a stretch. At a stretch they have to remain for more than 15 days. Health and Welfare measures to take care of the employees were insufficient. I want the hon. Minister to concentrate on that. The complaints that have came from the employees' side have not been taken of. The management adopts a dubious divide-and-rule. The employees' grievances are being probed into. When there is a genuine complaint, the complaint is probed into. The management is instigating some employees to form another union to counter the efforts of employees for the purpose of getting the genuine grievances resolved. The'management itself is encouraging it. The management goes out of the way to give some kind of affinity to the union which has been supported by the management. They wanted to kill the democratic right of the -employees in getting their problems solved. Therefore, this kind of victimisation of rival trade unions by the management itself comes in the way. I would request the Minister to take a serious note of it and try to see that the genuine grievances of the employees are taken care of and the bogus trade unions formed should be cut. Sir, this is one area where I want the Labour Minister to concentrate on.

Sir, coming the Industrial Finance Corporation of India, I do not know much about it because it is a financial institution and financial experts like Shri Satish Agarwal will speak on that. But this Bill, a very innocuous one, was passed in this House.

The Bill then went to the Lok Sabha, but the Lok Sabha was dissolved and the elections came. Now, the Bill has come before this House.

By and large, this is going to solve the major risk problem that exists in these undertakings. As far as the Central Government organisations are concerned, the State labour machinery is not going to decide. That issue has been resolved.

In this connection, I would like to request the hon. Minister. Kindly bring in some statutory, regulations for the private airlines. Please do it, for heaven's sake. I say this because a number of private airlines has mushroomed in the country. A lot of accidents are taking place. No precautionery measures are being taken. It is not being considered whether an aircraft is flight-worthy or not. In regard to the checks and balances which have been put in by the Airports Authority of India and the Director-General of Civil Aviation, I do not know whether they are strictly following these rules and guidelines or not. Sir, the people are now afraid of flying by the private airlines. This is the kind of situation that has come. I, think the hon. Minister would agree with me. He comes from the neighbouring area, Goa. He would be knowing that. The people are now afraid of flying by the private airlines. That is the situation. That is why I say that the regulations which have been evolved by the DGCA have to be strictly applied for the private airlines also because, Sir, some of the junk aircraft have been brought from the CIS countries and some other countries....

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Mr. Narayanasamy, I think you should limit yourself to the confines of this Bill. You are now referring to civil aviation matter.

श्री सिकन्दर बख्तः सदर साहब का मतलब है कि हवा में न उड़िए।

†آنریبل سکندر بخت: صدر صاحب کا مطلب ہے کہ ہوا میں نہ اڑیئے

†[ ] Transliteration in Arabic Script

SHRI V. NARAYANISAMY: Private airlines have also been included. Therefore, I am referring to it. Otherwise, I would not have meantioned.

Sir, the Labour Minister has to ensure the welfare of all employees, the employees should not be taken for granted, whether they are in the private sector or in the public sector. They should be treated well. They should be given all the benefits and all the welfare schemes should be implemented in right earnest in the public sector undertakings, showing the way fo the private sector to follow.

With these words, I conclude and I support the Bill.

SHRIMATI KAMLA SINHA (Bihar) Mr. Vice-Chairman, Sir, the Industrial Disputes (Amendment) Bill, 1996, which has been brought forward by the Labour Minister here has really a very simple purpose. As you know, the parent Act was passed in 1947. The previous speakers were mentioning that three ordinances were promulgated in regard to this Bill. Why were these Ordinances necessitated?

We know that the Indian Airlines Limited, Air India Limited, the Industrial Finance Corporation of India Limited, the Oil and natural Gas Corporation Limited were all part of the Central Government. We also know that the portion which this Bill wants to amend related only to sub-clause (i) of clause (a) of section 2 of the Act which defines 'appropriate Government'. Now, for all these companies, the 'appropriate Government' was the Central Government.

After the introduction of the new Industrial Policy and the new Economic Policy in 1991, the Government decided to withdraw budgetary support to some of the industrial concerns. These companies were among them. After the budgetary support was withdrawn, these concerns were made into corporations.

Separate companies were formed. For example, the Industrial Fianance Corporation of India was made into a company. The same was the case in rcspet of Indian Airlines, Air India and Oil and Natural Gas Commission. They were also made into separate companies. After they were separeted from the appropriate authority, which was the Central Government, it became necessary to resolve any disputes that could be arising with the workers. So this new amendment was brought about in October 1995 through Ordinance No. 12. It is true that a new legislation or amendment could have been brought at that time, but it was not done; it was delayed. Then, again on 27th Match 1996, ordinance No. 13 of 1996 was brought. Again, in June 1996 another Odinance was promulgated because the Amendment Bill could not be passed. Although the Rajya Sabha passed this Bill on 5th December 1995, the Lok Sabha could not pass it because elections were due, and we know the whole story. After the elections, a new Government came into being but that Government could not get adequate number of votes and it has to go. Then the present Government came into being and this Government has brought this Amendment Bill. It is to facilitate resolution of industrial disputes.

Now, points have been raised by Mr. Agarwal, Mr. Narayanasamy and our new colleague there, as to how many industrial disputes are pending and what is happening. I know that some anomalous situation has arisen, but we can always settle the issues and, I am sure, when this Amendment Bill is passed, these companies—Airports Authority of India, Oil and Natural Gas Corporation, Industrial Finance Corporation of India Limited—will have ample opportunity to deal with their workers through the Industrial Disputes Act as per the new amendment an the anomalous situation which has been prevailing up till now will be removed. So 1 thank the Government for bringing forth this Bill. Thank you.

SHRI RAM JETHMALANI (Maharashtra): Sir, thank you for giving me a couple of minutes to say wha I have to say.

The House must have noticed that my name appears under the Statutory Resolutions disapproving all the measures which are today on the agenda paper of this House, but that doesn't mean that I am opposing the lcgislaiton. IN fact, each piece of legislation that is being enacted today in this House is a welcome piece of legislation, highly desirable; in fact, it is inevitable.

The present Bill, which is being passed today, is a Bill which is absolutely necessary in consequence of the change in the structure of some of the Corporations, that were conducting Government business before, but I have lent my name to this disapproval Resolution for a different reason: I want to protest against the habit, which is an evil habit, namely, resort to the Ordinance making power I believe that in each of these cases, the Ordinance making power has been used in situations where Ordinance making power was wholly unnecessary. It is a result of incompetent management of Parliamentary business. I don't wish to blame the present Minister who is in charge of it—I blame the previous Government. They could not manage the business effectively and competently and, that is why, again and again Ordinances had to be passed. I think this House should record in some measures, somewhere, its protest against this habit, which is an evil habit. The power to make Ordinances is essentially an antidemocratic measure. It is a slur on Parliamentary sovereignty, it detracts from Parliamentary sovereignty. It is a necessary evil introduced to meet very grave cases of emergency.

4.00 P.M.

No emergency has taken place. Every such urgency that has arisen is the result of human mismanagement or human incompetence. Therefore, while I recommend that all these pieces of legislation are good and are required to be passed, I hope the House will take notice of this evil habit, and what is being done in consequence of the evil habit. I appreciate what my friend, Mr. Bangaru, has said, what the distinguished Member on the other side, Kamla Bahen, has said or even Mr. Narayanasamy has said. But I have a little suspicion that Mr. Narayanasamy should have made that speech in the beginning of the year of the present Government. Why was he harassing the present Minister, I do not really know. The situation that he was complaining of could not have been created by this Government. It is too new. It will create its own situations, but it will take some time to create a mess. So, the mess he was complaining of, was an old mess. I think he should have addressed it to the previous Government. But, now that they have to maintain the pretence that this Government is not their Government, I think these speeches are being made in this House. So, whatever Mr. Narayanasamy has said is also fully justified. It is justified, though it is totally irrelevant to the present topic, which we are considering. At the moment we are considering the formal linguistic amendment of the law. It is just a literal amendment which we have to consider. All these questions, which are being raised, are questions which are not relevant today. So, I hope the Government will look into these aspects and deal with these aspects.

SHRI JIBON ROY (West Bengal): The Bill in general deals with a very limited aspect. So, I lend my support to it in general, subject to a clarification on one aspect. I understand that in the case of institutions like Air India, ONGC etc., which are working all over the country, for the purpose of industrial relations, the appropriate Government should be the Central Government. But, why do the private air companies, which work in a particular State, have the Central Government as their appropriate authority? They will do something in the States and will compel the workers to come to Delhi. It is not proper. So, I would request the hon. Minister to clarify this position. If he clarifies, then I will support the Bill in general.

I have some more questions to ask of the hon. Minister. Why has the Bill been introduced taking into account only the limited aspect of industrial relations problem? Why is the basic problem ■ of industrial relations, which is being faced in the country, and also the matter of international standards, international recommendations not being taken up together and a comprehensive Bill introduced here? The Government had made some commitment to labour under its 'common minimum programme'. Now, we sec from our experience that the Government is going beyond its limit on the issue of liberalisation, and on issues concerning labour it is going very slow. So far as the labour aspect is concerned, the Government has given an assurance that the system of secret ballot will be introduced for the purpose of determining collective bargaining agencies. The Government had given a commitment to the labour that a Bill on workers' participation in management would be introduced. I have checked up from the Government offices. They are jubilant on the question of liberalisation, which goes mostly against the labour, but they are silent on the questions concerning secret ballot, workers' participation and other issues. No step is being taken to legislate Bills concerning these issues. So, I demand that the Government should introduce a Bill in this session itself recommending secret ballots and workers' participation in management. The previous Government

had not accepted the right of collective bargaining and adoption of a statute recommended by the ILO. But this Government should take note of it. Earlier, when we were boys, we used to hear that military and army officers are barred from trade union activities. The police is also barred. We appreciate the logic. These workers and employees in the civil organisations are barred from collective bargaining. In 1972, an Ordinance was promulgated. We supported the right of collective bargaining by the employees of the Life Insurance Corporation and the General Insurance Corporation. Since 1972, the employees of the Life Insurance Corporation and the General Life Insurance Corporation have no right for collective bargaining agency. The wage negotiation or other negotiations come in the form of a Government notification. These employees went to the court. Since it was thought that it was a Constitutional matter, they referred the case to the Supreme Court. Then, the Supreme Court referred the case to the Constitutional Bench. It is pending there. Most probably the case would come up before the Bench in a fortnight's time. May I request the Government of India and the Labour Ministry not to put up any Government lawyer to defend the case when it comes up before the Constitutional Bench? It is labour which is with your Government. Though there is no agreement between the labour and the United Front Government, still the labour is supporting the Government because they do not want further communalisation of the working class force. Some commitment should be made and that commitment is the right of collective bargaining and other things.

So far as the insurance case is concerned, we want a commitment here in this House that the Government would not put up any lawyer to defend the case when it comes up before the Supreme Court.

Lastly, taking advantage of this Resolution, I wish to draw the attention of the Labour Minister to two or three aspects. I wish the hon. Minister reacts to these aspects,. Bonus was declared for the industrial labour. Everybody gets bonus except the industrial labour. I do not object to it. Initially, bonus was introduced for the industrial labour, but now it has been extended to everybody. The industrial labour do not get bonus because the ceiling has been restricted to Rs. 3,500/-. Most of the labourers working in big industries and medium industries have crossed that limit. The gratuity was meant for the industrial labour. For the industrial labour the higher ceiling of Gratuity was not extended. Now, other than industrial labour, in other areas, the ceiling has been extended up to Rs. 2.50 lakhs. Would the Labour Minister address to these problems? I once again wish to mention that the fabric of the unity of our country is labour and if labour is made hostile then whichever way you want to keep them, you would not be able to keep them. Finally, I wish to draw the attention of the Minister to a point raised by my friend, Shri V. Narayanasamy. He had raised the issue of industrial relations existing in Air India. Simply anarchy is going on there. The authorities in Air India have dismissed four employees and charge-sheeted 50 employees because of trade union activities. If the Labour Ministry can help them to bring them out of the impasse, it would improve industrial relations in that organisation.

With these words, I support the Bill subject to the clarifications which I have sought.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Thank you. Shri S. Muthu Mani, not present. Shri Prakash Yashwant Ambedkar, not present ...*(Interruptions)*... These Members are not available at the moment. I did not

say that they were absent. I said, "Not present". Now, there are no other speakers. The reply can be given by Mr. Khalap... *(Interruptions)...*

SHRI SATISH AGARWAL: If he gives some assurance.

SHRI RAMAKANT D. KHALAP: Mr. Vice-Chairman, Sir, a number of points have been raised by hon. Members which strictly do not pertain to the issue which is before this House.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): But you will supply the statistics asked for.

SHRI RAMAKANT D. KHALAP: As for the requests for taking a second look at the Industrial Disputes Act, constituting a Committee of M.Ps., etc., I think the Ministry themselves would respond to them.

Sir, I request the House to pass the Bill.

SHRI SATISH AGARWAL: Sir, I seek the leave of the House to withdraw my resolution in view of the good gesture of the Minister.

The Statutory Resolution was, by leave, withdrawn.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Now, the question in:

That the Bill further to amend the Industrial Disputes Act, 1947, be taken into consideration.

The motion was adopted.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 and 3 were added to the Bill.

Clause I, the Enacting Formula and the Title were added to the Bill.

SHRI RAMAKANT D. KHALAP: Sir, I move:

That the Bill be passed.

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Congratulations, Mr. Minister.

(THE DEPUTY CHAIRMAN IN THE CHAIR)

SHRI SATISH AGARWAL: Madam, we have passed two Bills today within a short span of time.

THE EMPLOYEES' PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS (AMENDMENT) BILL, 1993 —

MOTION FOR REFERENCE TO A SELECT COMMITTEE

SHRIMATI KAMLA SINHA (Bihar): Madam, I have a submission to make. I would request that the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Bill, 1993, listed today, be referred to a Select Committee. Some of us want to have a thorough, in-depth, discussion on certain areas of the Bill. So, if it is referred to a Select Committee, it could be done. Only three or four days' time may be given so that we can take up the Bill next week.

THE DEPUTY CHAIRMAN: Let me find out if the Government is agreeable to this.

SHRI SATISH AGARWAL: Madam Deputy Chairperson, I agree with *...(Interruptions).*

SHRIMATI KAMLA SINHA: Madam, I have not yet finished with my submission. May I complete it?

THE DEPUTY CHAIRMAN: Sure.

SHRI SATISH AGARWAL: Madam, we have all agreed.

SHRIMATI KAMLA SINHA: Then it is okay.

SHRI SATISH AGARWAL: I am only expressing the agreement on behalf